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11 Attorneys for Defendants Encore Capital
12 Group, Inc., Midland Funding, LLC, and
13 Midland Credit Management, Inc.

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF WASHINGTON AT SPOKANE

16 KELLI GRAY, and all other similarly
17 situated,

18 Plaintiffs,

19 v.

20 SUTTELL & ASSOCIATES, *et. Al.*

21 Defendant.

22 EVA LAUBER, DANE SCOTT, SCOTT
23 BOOLEN, JOEL FINCH and all other
24 similarly situated,

25 Plaintiffs

26 v.

ENCORE CAPITOL GROUP, INC., *et. al.*

Defendant

Case No. 2:09-cv-251-EFS

(CONSOLIDATED CASE)

**DEFENDANTS ENCORE CAPITAL
GROUP, INC., MIDLAND
FUNDING, LLC, AND MIDLAND
CREDIT MANAGEMENT, INC.,
REQUEST FOR JUDICIAL
NOTICE AND RESPONSE TO
PLAINTIFFS' "NOTICE OF
ACTIVITY AND FILING" IN
VASSALLE *et al.* v. MIDLAND
FUNDING *et al.*, Case No. 11-CV-
0096 (N.D. Ohio)**

1 Defendants Encore Capital Group, Inc., Midland Funding, LLC, and Midland
2 Credit Management, Inc., hereby request that the Court take judicial notice, pursuant
3 to FRE 201, of the following documents that were filed in *Vassalle et al. v. Midland*
4 *Funding, LLC, et al.*, Northern District of Ohio Case No. 3:11-cv-0096 (N.D. Ohio
5 March 23, 2015) and are of record in that case:
6

7 1. Defendants' Motion to Enforce This Court's Order Enjoining Litigation of
8 Claims Released By The Settlement, And For An Order To Show Cause Re Contempt
9 As To Class Members Kelli Gray, Dane Scott, Joel Finch, and Scott Boolen
10 ("Vassalle Motion for Order to Show Cause") (*Vassalle* Docket No. 295), attached
11 hereto as Exhibit A (with exhibits).
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14 On March 25, 2015, Plaintiffs' counsel filed what he claims is a copy of the
15 *Vassalle* Motion for Order to Show Cause with the Court (Docket No. 488), and
16 accused Defendants of attaching to the motion a redacted version of the email
17 exchange in which he refused to revise his proposed Second Amended Complaint to
18 comply with the *Vassalle* injunction. **However, the document submitted to this**
19 **Court by Plaintiffs' counsel is not a true and complete copy of what was actually**
20 **filed in the Vassalle Court. None of the emails in the chain were redacted from**
21 **the filing in the Vassalle Court.** The entire email exchange between Plaintiffs'
22 counsel and Defendants' counsel appears as Exhibit B to the Seitz Declaration, which
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1 the Court can confirm by reviewing the ECF-stamped version of the Declaration
2 attached hereto, Doc # 295-1, Page ID#'s 5865-69. The suggestion that Defendants
3 redacted these emails is peculiar, given that they are actually described and even
4 quoted in the motion. See Doc # 295, Page ID#'s 5759-60. As indicated in the
5 *Vassalle* Motion for Order to Show Cause, this correspondence shows the efforts
6 made by Defendants' counsel to avoid having to file the motion, which were
7 continually rebuffed by Plaintiffs' counsel. Defendants, frankly, are mystified as to
8 the origins of the apparently-redacted document Plaintiffs' counsel gave to this Court.
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11 DATED this 25th day of March, 2015

12 CRUMB & MUNDING, P.S.

13
14 /s/ John D. Munding

15 JOHN D. MUNDING, WSBA #21734
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22 Attorneys for Defendants Encore
23 Capital Group, Inc., Midland Funding,
24 LLC, and Midland Credit
25 Management, Inc.
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